

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:17-CV-138-D

ROBERT A. MAGARY, SR.,

Plaintiff,

v.

GERRIT BENSON, FREDERICK LOWE,
LESLIE LILLY, MITCHELL BROUDY,
and PETER IMBROGNO,

Defendants.

ORDER

On March 1, 2018, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) and recommended that plaintiff’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous [D.E. 5]. On March 1, 2018, plaintiff filed a motion for injunctive relief [D.E. 7]. On March 16, 2018, plaintiff filed a second complaint (nearly identical to the his first complaint) [D.E. 8]. On March 16, 2018, plaintiff objected to the M&R [D.E. 9].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).


The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear

error on the face of the record.

As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff's objections are baseless and are overruled. As for plaintiff's motion for injunctive relief [D.E. 7], the motion is baseless and is denied.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED, plaintiff's objections to the M&R [D.E. 9] are OVERRULED, and plaintiff's complaints [D.E. 6, 8] are DISMISSED as frivolous. Plaintiff's motion for injunctive relief [D.E. 7] is DENIED. The clerk shall close the case.

SO ORDERED. This 27 day of March 2018.



JAMES C. DEVER III
Chief United States District Judge